UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,063	12/22/2000	Timothy A. Best	ST9-99-186	1655

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EXAMINER
PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 02/08/2005 .

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 September 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-56</u> is/are pending in the application.

    4a) Of the above claim(s) <u>43-45</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-42 and 46-56</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1, 10-12, 14-15, 24-26, 28-29, 38-40, 42 and 46-56 are rejected under 35

U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6,175,877 B1 (Zerber).

Referring to claims 1 and 29, Zerber discloses receiving user selection of a plurality of

applets, generating separate windows for each of the selected applets and executing each applet

in a separate window (column 3, lines 1-28), wherein the user is able to select a plurality of

applets when composing and viewing messages, wherein these applets are generated separately

and executed in separate windows.

Referring to claims 10, 11, 24, 25, 38 and 39, Zerber discloses loading a web top applet

into a browser window and having this applet be loaded in connection with Java applications

(column 2, lines 55-65).

Referring to claims 12, 26, 40 and 53, Zerber discloses executing a web top applet to

display a list of available applets from which users can select, wherein the main applet displays a

list of available applets wherein the user selects to compose or view from this main applet

(column 3, lines 1-28).

Referring to claims 14, 28 and 42, Zerber discloses selecting applets from a toolbar,

wherein there is a separate window for each generated applet (column 6, lines 51-55).

Referring to claim 15, Zerber discloses an apparatus for executing applets with a client

computer having data stored (column 2, lines 54-59). Zerber also discloses a server computer

having data store coupled to and connected to the client computer via a network (Figure 1).

Zerber also discloses one or more computer programs, performed by the computers for receiving

user selection of a plurality of applets, generating separate windows for each of the selected

applets and an application program executing each applet in a separate window (column 3, lines

1-28), wherein the user is able to select a plurality of applets when composing and viewing

messages, wherein these applets are generated separately and executed in separate windows.

Referring to claim 46, Zerber discloses a method of executing applets by opening a

viewer to allow a user to select a plurality of applets, generating a separate window within the

viewer for each selected applet and executing each of the selected applets in the separate window

within the viewer (column 3, lines 1-28), wherein the user is able to select a plurality of applets

when composing and viewing messages, wherein these applets are generated separately and

executed in separate windows.

Referring to claims 47 and 48, Zerber discloses that viewer is a web browser and that the

plurality of applets are positioned within a single web page of the web browser (column 3, lines

1-10).

Referring to claims 49 and 50, Zerber discloses that the viewer is a web top applet viewer

(Figure 1).

Referring to claim 51, Zerber discloses that plurality of applets are positioned within a

single viewer window (column 8, lines 6-8).

Referring to claims 52 and 54, Zerber discloses that the plurality of applets are executed

from within a user application (column 8, lines 6-12).

Referring to claim 55, Zerber discloses that the application program generates separate

windows for the selected applets within a window of the application program (column 3, line 1-

5).

Referring to claim 56, Zerber discloses that all of the windows for the selected applets are

generated within display space defined for the application program (column 8, lines 6-9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 3-9, 18-23 and 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Zerber and U. S. Patent No. 5,561,757 (Southgate).

Referring to claims 3-9, 18-23 and 31-37, Zerber does not disclose the manipulation of

the windows, which represent the running applications. Southgate discloses allowing windows

to be resized (column 1, line 61), repositioned (column 1, lines 64-65), minimized and

maximized (column 1, line 59-60), overlapping of windows (column 2, lines 10-11) and

cascading and tiled (column 3, lines 5-6). It would have been obvious for one skilled in the art at

the time of the invention to learn from Southgate to implement means for manipulating the

windows wherein the applications would be represented. Southgate discusses these manipulation

techniques as being applicable to any GUI with windows (column 1, lines 26-37), as such as is

disclosed in Zerber. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from Southgate to implement basic manipulation techniques for the layout of the windows.

3.   Claims 13, 27 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zerber and "The Swing Tool Set" article.

Referring to claims 13, 27 and 41, Zerber does not disclose using a JInternal frame to represent the applet windows. "The Swing Tool Set" article discloses a means for using JInternal frames, wherein these components would be used to represent objects, such as windows in desktop environments (page 10, row 4), much like the desktop environments of Zerber. It would have been obvious for one skilled in the art, at the time of the invention to learn from the article to implement the window representation of the applets through a JInternal frame component. JInternal frame components are obviously used to represent objects within a desktop environment, much like the ones used in Zerber. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from the article to implement the applets such as they are represented through JInternal frame components.

Response to Arguments

4.   Applicant's arguments filed 9/29/04 have been fully considered but they are not persuasive.

With respect to Applicant's arguments that Zeber fails to disclose receiving user selection of plurality of applets. The arguments state that Zeber only makes a selection in order to choose a particular functionality, regardless of the purpose of the user's selection, it is clear that Zeber does state that a user makes a selection and from this selection a plurality of applets are

displayed. Zeber further allows that selection by user can display a plurality of applets. The

claims simply state that user selection results with a plurality of applets being displayed. It is not

clear whether the claims are intended to teach that one single instance of a user selection would

result in the display of a plurality of applets.

With respect to Applicant's arguments that Zeber does not disclose a separate window

within the view for each applet. Zeber discloses that the user selection will result in a plurality

of applets, wherein if a separate browser window is opened for each of these applets, regardless

of them being HTML pages, they are opened separately and hence will be represented as

separate windows. Zeber discloses that the applet is included within the windows being

displayed, hence stating that the windows with this applet will both be displayed to the user.

With respect to Applicant's arguments that the combination of Zeber and the "STS"

reference is not based on providing a reasonable suggestion or motivation for a proper

combination. The "STS" article serves to teach that JInternal Frames are known functionalities

that are used within applications, wherein these applications are based on applets. The

functionality JInternal Frames further represents distinct functions that are used to represent

distinct applets. Therefore, the Zeber reference with its applets could rely on the "STS" article to

learn about JInternal Frames to represent its applets. The use of JInternal Frames for

implementing applets is known as is taught in the "STS" article and therefore its use within the

claims, wherein the claims simply teach applets and furthermore applets with JInternal Frames is

not unique and is common within the field of applets. The claims do not distinctively teach how

the JInternal Frames are used with the applets and implemented with the applets of the present

invention.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks,

Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-

9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please

label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final

responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The

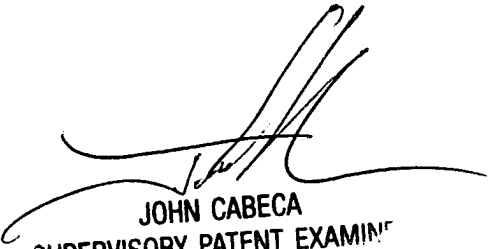examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO

employees do not engage in Internet communications where there exists a possibility that

sensitive information could be identified or exchanged unless the record includes a properly

signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and

Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
January 22, 2005

JOHN CABECA
SUPERVISORY PATENT EXAMINΓ
TECHNOLOGY CENTER ᵒ˙˙